(1) (3)

C.P. 1006

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

Writ Petition No. .....27.....2004

PETITIONERS : Smt. Asha Sharma
age about 41 years,
W/o Shri Ganga Ram Sharma
Proprietor
M/s Asha Stone Crushing Udyog,
Budhapara, Raipur (C.G.)

VERSUS

RESPONDENT: 1. State Bank of India
Fafadih Branch, Raipur
A banking company incorporated under the State Bank of India Act having its Head Office at Mumbai Branch Office at Second Floor, Ram Bhawani Fafadih, Raipur, popularly known as Fafadih Branch, Raipur (C.G.)
represented through Branch Manager

2. Union of India,
Through Secretary Ministry of Law Justice and Company Affairs
Mantralaya, Lok Nayak Bhawan,
New Delhi

3. Secretary Ministry on Finance,
Union of India,
New Delhi

P. R. No. 3242/03
Presented by Shri Sunil Kumar Jain
dated ... 19.12.03

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CETIORARI, OR/AND ANY OTHER WRIT OF LIKE NATURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(39)

आदेश पत्रक

W.P. No. 27

मामला क्रमांक ..... सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ
& HON'BLE SHRI FAKHRUDDIN, J.

29/06/2004: -

Shri Raghavendra Pradhan counsel for the petitioner.

Shri R.S.Jaiswal, learned counsel for respondent No.1.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.2.

Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

[पीछे देखिये